

26 FEB 1992

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: EPA Superfund Recordkeeping Standards

1. The purpose of this action is twofold:

a. To establish descriptions for the roles and responsibilities as articulated in the attached MFR, and

b. To initiate the actions as stated in para 6 of the MFR.

2. The attached Memorandum for Record (MFR) addresses the roles and responsibilities of USACE in keeping records related to performance of work for the Environmental Protection Agency (EPA). The MFR provides generalized information concerning background, scope of the requirement, organizations involved, responsibilities, goals and directions of this action.

3. Concurrence with this action is as noted below.



Encl

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CEIM-I	CONCUR <u>2/4/92</u>	NON-CONCUR
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II

CEMP-RS

MEMORANDUM FOR RECORD

SUBJECT: EPA SUPERFUND RECORDKEEPING STANDARDS

1. PURPOSE. This action concerns the establishment of a framework of actions leading to the development and implementation of recordkeeping standards applicable to the Corps of Engineers' EPA Superfund support mission.

2. BACKGROUND. Much of the work performed towards the clean-up of given Hazardous and Toxic Waste (HTW) sites is reimbursable, in whole or in part by individuals, companies, and corporations that contributed to the environmental degradation or contamination of HTW sites. Remediation work performed can be, and is most often, a combination of federal, state and/or local agencies and support contractors involved in a variety of site remediation activities. It is EPA's policy, where possible, to attempt to identify and recoup financial expenditures and to apply those funds to the reimbursement of the Superfund program.

The EPA has structured a program which captures, in part, information and data relating to HTW site (or project) expenditures. Their "Superfund Financial Management and Recordkeeping Guidance for Federal Agencies" dated January 1989 provides details to involved government agencies. In some cases EPA negotiates directly with polluting parties (referred to as Potential Responsible Parties or PRP) to recoup site clean-up expenditures. In others, pertinent documents and records are provided to the Department of Justice which uses such information in negotiations with or in court cases against those PRPs. The EPA's cost recovery documentation program constitutes the primary purpose for establishing Superfund recordkeeping standards.

The Corps of Engineers uses a Department of the Army recordkeeping system called the "Modern Army Recordkeeping System" (MARKS). The system provides policies, and procedures for the systematic identification, maintenance, retirement and destruction of Army information. This system will serve as the basis for developing EPA Superfund standards.

Benefits will accrue in areas such as minimization of duplicate records, an ability to identify known record locations, higher efficiencies in record processing, more efficient automated storage, retrieval and processing of records, etc..

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3. **GOALS.** The following are initial goals related to the establishment and creation of the Superfund standardization and recordkeeping program. These may be modified or enhanced by future actions.

a. Identify, develop and coordinate requirements, i.e. description, authority, and disposition standards for EPA-related Superfund records. For example, we need to determine WHAT records are to be retained; WHO is responsible for retaining them; HOW identified records are to be retained; and WHERE, and for HOW LONG they are to be retained.

b. Maintain records which document actions taken during Superfund project evolution. Assure that such records are consistent with the requirements of the EPA cost reimbursement program.

c. Provide a defined framework for functional and organizational relationships and responsibilities.

d. Maximize efficiencies in the collection, storage, and retrieval of information by in-house USACE organizations and others as needed.

e. Minimize the impact upon USACE organizations and personnel in collecting and processing the minimum essential information.

f. Establish policy and procedures for providing information records to EPA and designated others.

4. **SCOPE.**

a. **Functional.** The Justice Department's involvement with the Superfund cost reimbursement program has varied widely in their request for support documentation. Their insistence on fairly extensive finance and accounting records has been a common denominator in all their record collection efforts. Their collection of data regarding contractual actions varied from a simple collection of copies of contracts to copying of significant portions of file cabinets full of such information. Data regarding project management information events/actions also varied in the same vein as the contractual data; the amount and type of data collected varying with the individual U.S. Attorneys who represented EPA against PRPs. Thus, the primary data requirements focused on three functional areas:

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- (1) Finance and Accounting
- (2) Contractual Records
- (3) Project Management

b. Organizational Relationships.

(1) The Corps' Resource Management organizations utilize automated finance and accounting systems to maintain the various states of funding for the Corps' many mission programs. The responsibility for the several stages of processing, storage, retrieval and provision of funds spent on Superfund sites by the Corps reside with this organization.

(2) The Principal Assistant Responsible for Contracting (PARC) at USACE headquarters and associated procurement office at division and District offices are responsible for individual project contract administration records and their retention. It is understood that individual contract files must be retained for six years and three months in accordance with MARKS. Where appropriate and when requested for the Superfund cost reimbursement program copies of these records are provided to either the EPA or the Justice Department by the procurement office(s).

(3) Project Management activities are conducted by many different USACE organizations and can include other outside organizations as well. With the advent of the USACE's program and project management function, the collection and provision of project information related to the Superfund reimbursement program will fall upon this organization. Automated systems such as the Corps' Project Management System and CleanLan systems are anticipated to provide most information needed. This will not preclude the availability of other information such as project plans and other associated information from on-hand, hard copy files. Provisions for the creation and retention of periodic, project-oriented historical information from automated systems will evolve.

5. RESPONSIBILITIES. The following assigns basic organizational responsibilities for developing and coordinating various standardization and recordkeeping functions.

a. EPA Superfund Branch, Military Programs Directorate. Will maintain overall surveillance of the cost recovery program and the recordkeeping function in general. The project management portion of recordkeeping activities will

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be directed by the Superfund Branch.

b. Information Management Directorate. Functions to be performed by IM include comprehensive management and coordination with all organizations including CEMP-RS, the EPA, and as appropriate, with CECC-C and the Department of Justice.

c. Resource Management Directorate. Will continue to be responsible for overall financial management data collection coordination efforts.

d. Contract Administration coordination efforts at HQUSACE is the responsibility of the Principal Assistant Responsible for Contracting (PARC). As needed, this office will coordinate efforts of field offices - as will other functional coordinators - through existing organizational stove pipes.

6. Directions. The following actions will initiate the Superfund standardization and recordkeeping effort.

a. Organizations named in paragraph four, above will designate personnel responsible for their coordination and administration efforts.

b. The Information Management Directorate will develop a management plan for developing Superfund Records Management standards and integrating the various organizations and systems involved. The management plan will be coordinated with principal organizations involved and with the EPA Superfund Branch, Military Programs Directorate.

c. A monthly report with current status information will be provided to the Chief, Information Resource Management Office, to the Chief, Environmental Restoration Division and the Directorate of Information Management.